

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GREGORY BARTUS,

Plaintiff,

ORDER

-vs-

05-CV-6376

THE NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY,

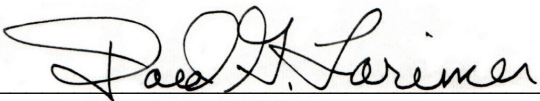
Defendant.

On September 12, 2005, defendant filed a motion to dismiss Count II of plaintiff's complaint. By letter dated October 17, 2005, plaintiff has indicated that he does not oppose the motion or dismissal of that Count.

Defendant's motion (Dkt. #2), therefore, is granted, and Count II of plaintiff's complaint is dismissed with prejudice.

Defendant shall have thirty (30) days from the date that this Order is entered to answer plaintiff's complaint.

IT IS SO ORDERED.



DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

Dated: Rochester, New York
October 24, 2005